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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME FOR
HEARING ON DEBTOR'S MOTION
FOR APPROVAL OF REJECTION OF
UNEXPIRED LEASE WITH TSSP LLC
PURSUANT TO 11 U.S.C. § 365(a) AND
ABANDONMENT OF ANY PROPERTY
THAT REMAINS AT PREMISES**

Cash Cloud, Inc., dba Coin Cloud ("Debtor"), debtor and debtor in possession in the above-captioned case (the "Chapter 11 Case"), hereby submits this *Ex Parte Application For Order Shortening Time For Hearing* (the "Application") on *Motion For Approval Of Rejection Of Unexpired Lease With TSSP LLC Pursuant To 11 U.S.C. § 365(a) And Abandonment Of Any Property That Remains At Premises* (the "Motion").¹ This Application is made and based upon the following points and authorities, the *Declaration of Jeanette E. McPherson* (the "McPherson Declaration") in support hereof and attached as **Exhibit A** hereto, the Attorney Information Sheet

¹ Capitalized terms not defined herein have the meanings ascribed to them in the Motion.

1 filed concurrently herewith, and the pleadings and papers on file in the Chapter 11 Case, judicial
2 notice of which is respectfully requested.

3 WHEREFORE, for the reasons set forth herein, Debtor respectfully requests that the Court
4 hear the Motion on an order shortening time, and grant such other and further relief as may be just
5 and proper.

6 Dated this 15th day of February, 2023. **FOX ROTHSCHILD LLP**

7 By: /s/ Jeanette E. McPherson

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18 *[Proposed] Counsel for Debtor*

19 POINTS AND AUTHORITIES

20 I.

21 Debtor, by this Application, pursuant to Bankruptcy Rule 9006 and Rule 9006 of the Local
22 Bankruptcy Rules for the United States Bankruptcy Court, District of Nevada (the “Local Rules”),
23 seeks an order shortening time for notice and hearing for the Motion.

24 As more fully set forth in the Motion, Debtor requests that the Court enter an Order granting
25 the Motion, and: (a) approving the rejection of the Lease, a portion of which is attached to the Motion
26 as Exhibit 2, effective no later than February 28, 2023, (b) approving the abandonment of the
27 Remaining Property, effective no later than February 28, 2023, and (c) granting such other and
28 further relief as this Court deems appropriate. The Debtor requests that the Motion be heard on
shortened time because the Debtor has determined that the Lease is financially burdensome and not
beneficial to the estate and is no longer needed. As a result, the Debtor seeks to reject the Lease as
soon as possible, with rejection effective no later than February 28, 2023, to avoid further significant
expense to the estate arising in connection with the Lease.

II.

LEGAL ARGUMENT

A. The Relief Is Authorized by Rule 9006 and Meets Due Process Requirements.

Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and a party to file an ex parte motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1) provides in relevant part:

In General. Except as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

Fed. R. Bankr. P. 9006(c)(1).

Courts have generally acknowledged that such expedited relief does not violate due process rights, *even if the motion to shorten time is made ex parte*. “Bankruptcy Rule 9006(c) permits the bankruptcy court ‘for cause shown’ in its discretion, with or without motion or notice, to reduce the notice period, and ex parte motions for material reductions in the notice period are routinely granted by bankruptcy courts.” Hester v. NCNB Texas Nat’l Bank (In re Hester), 899 F.2d 361, 364 n. 3 (5th Cir. 1990); see also 10 Collier on Bankruptcy 9006.09 (16th ed. 2019); In re Gledhill, 76 F.3d 1070 (10th Cir. 1996).

B. Debtor’s Counsel Has Conferred With The Notice Parties.

Debtor’s counsel consulted the Notice Parties as shown on the Attorney Information Sheet For Proposed Order Shortening Time (filed concurrently herewith and incorporated by reference herein) and provided the Office of the United States Trustee, the Landlord, and Debtor’s secured lenders with copies of the Motion.

1 **III.**

2 **NOTICE**

3 Upon the Court's entry of an order approving this Application, Debtor will serve the Motion
4 via overnight mail, facsimile or electronic mail on: (i) Debtor's 20 largest unsecured creditors; (ii)
5 Debtor's secured creditors and lienholders of record; (iii) the Office of the United States Trustee for
6 the District of Nevada; (iv) the Landlord; and (v) the federal and state governmental units required
7 by Local Bankruptcy Rule 2002(a)(6).

8 Debtor submits that such notice is adequate and appropriate under the circumstances and that
9 no other or further notice of the Motion need be given.

10 ///

11 **IV.**

12 **CONCLUSION**

13 WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court
14 hear the Motion on an expedited basis at the Court's earliest convenience, and grant such other and
15 further relief as may be just and proper.

16 Dated this 15th day of February, 2023.

FOX ROTHSCHILD LLP

17 By: /s/ Jeanette E. McPherson

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24 *[Proposed] Counsel for Debtor*

EXHIBIT A

DECLARATION AFFIRMING REQUESTED RELIEF

I, Jeanette E. McPherson, declare under penalty of perjury that: I am competent to make this declaration under the laws of the United States and the State of Nevada; I have read the above Application for an Order Shortening Time; and the facts stated therein are true and correct to the best of my knowledge, information, and belief.

Dated this 15th day of February, 2023.

By: /s/ Jeanette E. McPherson
JEANETTE E. MCPHERSON, ESQ.